

REMARKS/ARGUMENTS

Claims 12-21 are pending in this application, with claims 12, 15, and 20 being the only independent claims. Claims 1-11 were previously canceled without prejudice or disclaimer.

Telephonic Interview

A telephonic interview was conducted on May 12, 2010 between Examiner Pham and Applicant's undersigned representative. Applicant would like to express that the Examiner's time and consideration are greatly appreciated. During the telephonic interview, the limitation of "transmitting a query response" recited in claim 12 was discussed. Applicant's representative explained that this limitation relates to response 4 in Fig. 1 of the present application. As explained in more detail below, the independent claims are amended to clarify that this limitation is performed by the first name server.

Claim Objections

Claim 21 is objected to because it depends from claim 10. Claim 21 has been amended to depend from claim 20. According the objection to claim 21 should now be withdrawn.

Rejections under 35 U.S.C. §112

Claims 12-21 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner that the query response transmitted from a name server to a control element of a first operator network is not shown.

Each of the independent claims 12, 15, and 20 has been amended to clarify that the first name server receives the network address of the required access point from the second name server and that the first name server then transmits a query response including only the network address of the required access point to the control server of the first operator network.

As described in the specification as originally filed, the control element S of operator network A makes a query (2) to a local name server D in response to a request for a connection to a subscriber of operator network B by a subscriber (see page 5, line 34 to page 6, line 11 of the application as originally filed). The local name server D then queries (3), from private name server PD of the operator network B, the address of the contact point of the network B (see page 6, lines 16-18 of the application as originally filed). After the local name server D receives the address of the contact point, the local name server D transmits (4) the data to the control element S (see page 6, lines 18-20, of the application as originally filed).

The step of transmitting the query response in independent claim 12, as amended, is now adequately described by the above-cited portions of the specification. Accordingly, the rejection of claim 12 under 35 U.S.C. §112, first paragraph, should now be withdrawn.

Independent claims 15 and 20 are similarly amended. Accordingly, the rejection of these claims should also be withdrawn.

Claims 20-21 stand rejected under 35 U.S.C. §112, second paragraph, because the Examiner states that they are narrative in form and are replete with indefinite, functional, or operational language. Independent claim 20 is amended to address the Examiner's concerns so that the claim is not in a narrative form. Regarding the Examiners statements regarding functional or operational language, Applicants disagree.

A fundamental principal of 35 U.S.C. §112, second paragraph, is that applicants are their own lexicographers. There is nothing inherently wrong with defining some part of an invention in functional terms. More particularly, there is nothing wrong with defining a part in terms of which it does (or can do) rather than what it is. *In re Swinehart*, 169 USPQ 226 (CCPA 1971). See also MPEP 2173.01 and 2173.05(g).

In claim 20, "arranged to" is used to describe a capability of a part, and thus covers any structure having this capability.

In view of the above amendments and remarks, the rejection of claims 20-21 under 35 U.S.C. §112, second paragraph, should now be withdrawn.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to resolve any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: May 24, 2010